

TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

MINUTES OF BOARD MEETING

NOVEMBER 14, 2006

President Danny Cook called the meeting to order at 10:09 A.M. in Conference Room 160, Davy Crockett Tower, Nashville, Tennessee.

Board members present were Danny Cook, President, Ralph Buckner, Vice President, Bob Foster, Wendy Hellum, David Murphy, Stephen Murphy and Nancy Vincent.

Staff members present were Robert Gribble, Executive Director, Lauren Kitchell and Adrian Chick, Staff Attorneys, and Sandra Cooper and Jimmy Gossett, Administrative Assistants.

APPROVAL OF MINUTES:

A motion was made by Mr. Steve Murphy to approve the minutes of the September 12, 2006 Board Meeting.

Seconded by Mr. Buckner

Adopted by voice vote

APPROVAL OF ESTABLISHMENT LICENSES:

Upon motion, based upon the application records, the following establishments were approved for licensure.

Heritage Funeral Home & Cremation Services, LLC

Columbia, TN

New Establishment

Ownership: LLC

Baskerville Funeral Home, Inc.

Humboldt, TN

Ownership Change

New Ownership: Corporation

Baskerville Funeral Home, Inc.

Trenton, TN

Ownership Change

New Ownership: Corporation

Halls Funeral Home, Inc.

Halls, TN

Ownership Change

New Ownership: Corporation

Love-Cantrell-Cope Funeral Home & Cremation Services

McMinnville, TN

Ownership and Name Changes

New Ownership: Partnership

**Spencer Funeral Home of Love-Cantrell-Cope
Spencer, TN**

Ownership and Name Changes

New Ownership: Partnership

Tate Funeral Home, LLC

Jasper, TN

Ownership Change

New Ownership: LLC

Luff Bowen Funeral Home

Waverly, TN

Location Change

Ownership: LLC

LEGAL REPORT:

ADRIAN CHICK, STAFF ATTORNEY

Complaint Review

1. Case No.: L06-FUN-RBS-2006030351

An inspection revealed that the establishment's listed funeral director (manager) allowed both his Funeral Director and Embalmer licenses to expire.

The FH responds that it has discontinued use of the unlicensed individual and apologizes for its unprofessionalism.

Complaint History: 200504133 – \$500 Civil Penalty; 200603410 & 200603413 – Open (licensing violations)

Recommendation: Consent Order assessing \$500 civil penalty and authorization for a formal hearing.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Mr. Buckner

Adopted by voice vote

2. Case No.: L06-FUN-RBS-2006034131

Complaint opened by the Board alleging violations of:

- Tenn. Code Annotated § 62-5-313(c): The FD license of the individual listed with the Board as the manager is expired
- Rule 0660-4-.03(1)(b): The Respondent has failed to notify the Board within 10 days of change in identity of the licensed FD in charge

Respondent acknowledges the license of the listed manager has expired and states that a different FD is now in charge of the establishment.

Complaint History: 200504133 – \$500 Civil Penalty; 200603035 – Open; 200603410 – Open

Recommendation: Consent Order assessing \$500 civil penalty and authorization for a formal hearing.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Mr. Buckner

Adopted by voice vote

3. Case No.: L06-FUN-RBS-2006034101

Inspector attended funeral on August 7, 2006 conducted by Respondent funeral establishment. The establishment's owner assisted in parking cars, leading the family into the church, and also assisted in the funeral service. The owner later pointed out to the inspector the individual that was in charge of the services and stated that the individual was a licensed funeral director. The individual could only produce a license from 1997 and stated that he "had been sick and saw no reason to renew his license." The Respondent establishment received a notice of violation as follows:

- Tenn. Code Annotated § 62-5-303: engaging in practice of funeral directing without a license
- Tenn. Code Annotated § 62-5-317: aiding or abetting an unlicensed person to practice funeral directing

No response has been received after two requests.

Complaint History: 200504133 – \$500 civil penalty; 200603035 – Open; 200603413 – Open

Recommendation: Consent Order assessing civil penalty of \$1000 and authorization for a formal hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

4. Case No.: L06-FUN-RBS-2006032221

An inspector witnessed a committal service and interment directed by an apprentice funeral director. According to the inspector, no licensed funeral director was supervising the apprentice.

The Respondent FH admits that the FD did not accompany the apprentice to the cemetery for the committal and interment. Respondent states that there is a funeral establishment located on the cemetery grounds with its own funeral director in charge, but that he takes full responsibility for sending the apprentice to the cemetery.

Complaint History: 200211317 – \$300 Civil Penalty

Recommendation: Consent Order assessing \$500 civil penalty against funeral establishment and authorization for a formal hearing.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Mr. Buckner

Adopted by voice vote

5. Case No.: L06-FUN-RBS-2006032231

An inspector witnessed a committal service and interment directed by an apprentice funeral director. According to the inspector, no licensed funeral director was supervising the apprentice.

The Respondent apprentice states that he was told by his employer FH to handle the committal service. The FD stayed at the FH for another service. Respondent states he is very sorry and that this will never happen again.

Complaint History: None

Recommendation: Letter of Warning

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Ms. Helling

Adopted by voice vote

6. Case No.: L06-FUN-RBS-2006032421

Following inspection, Respondent received Notice of Violation for FTC rules due to discrepancy in CPL and GPL, not all caskets listed on CPL, and failure to note reason for embalming on several contracts.

The Respondent states that the casket room was under renovation at the time of inspection because new caskets were being added and that the casket room was

closed to the public. Respondent has forwarded a copy of updated CPL and GPL.

Complaint History: 199900535 – Closed; 199900616 & 617 – Closed after FH refunded \$400 to complainant; 200419713 – \$1000 Civil Penalty; 200504139 – \$250 Civil Penalty

Recommendation: Consent Order assessing \$350 civil penalty and authorization for a formal hearing.

A motion was made by Ms. Vincent to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

7. Case No.: L06-FUN-RBS-2006034521

Following inspection, Respondent received notice of violation for:

- Tenn. Code Annotated § 62-5-107 (no copy of license or inspection report for crematory, incomplete information on authorization form, copy not retained for deceased)
- Rule 0660-6-.02 FTC rules (required disclosure language)

The Respondent has forwarded copies of crematory license and crematory inspection report as well as provided copy of revised GPL.

Complaint History: 200002863 – Closed with Letter of Caution

Recommendation: Consent Order assessing \$500 civil penalty and authorization for a formal hearing.

A motion was made by Ms. Vincent to accept Counsel's recommendation.

Seconded by Mr. Buckner

Adopted by voice vote

8. Case No.: L06-FUN-RBS-2006034691

Complainant alleges that FH became angry when he was unable to pay for services on time and cursed him and accused him of being dishonest.

A request for response was sent to Respondent on two occasions but no response has been received.

Complaint History: 200601013 – Open; 200601644 – Dismissed; 200602057 – Dismissed; 200603689 - Open

Recommendation: Consent Order of \$250 for violation of Tenn. Code Annotated § 62-5-317(a)(4) and authorization for a formal hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

9. Case No.: L05-FUN-RBS-2006034881

Following inspection, Respondent received Notice of Violation for:

- FTC violations (price list discrepancies)
- Tenn. Code Annotated § 62-5-313 (unsanitary preparation room, no water in men's restroom)

The Respondent states repairs are underway and also submitted copies of revised price lists.

Complaint History: 200603136 – Open

Recommendation: Consent Order assessing \$500 civil penalty and authorization for a formal hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

10. Case No.: L06-FUN-RBS-2006034781

Following inspection, Respondent received Notice of Violation for:
FTC Violations

- CPL high end range does not match GPL high end range
- OBCPL range does not match GPL
- Alternative containers not listed on the CPL
- Some SFG&SS did not include reason for embalming and two mandatory disclosures

Tenn. Code Annotated § 62-5-107(2)

- Establishment did not have copy of license of the crematory they use

- Establishment did not have copy of latest inspection report for the crematory they use

A request for response was sent to Respondent on two occasions but no response has been received.

Complaint History: None

Recommendation: Consent Order assessing \$750 civil penalty and authorization for a formal hearing.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

11. Case No.: L06-FUN-RBS-2006034771

Respondent was issued a Notice of Violations following inspection for:

- FTC violations (disclosure language and discrepancies between caskets sold and those listed on CPL) and
- Violation of Tenn. Code Annotated § 62-5-306(d) (failure to renew license)

FH has provided copy of amended disclosure language and has updated CPL to include all models being sold. FH has already sent renewal fee plus late fee.

Complaint history: 949996 – Closed

Recommendation: Consent Order assessing \$250 civil penalty and authorization for a formal hearing.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Ms. Vincent

Adopted by voice vote

12. Case No.: L06-FUN-RBS2006034801

Following inspection, Respondent received Notice of Violation for:

- Tenn. Code Annotated § 62-5-107(c)(3)(c) (cremation authorization not signed by FD)
- Tenn. Code Annotated § 62-5-509(b)(2)(3) (receipt for human remains lacking required information)

Respondent provided a prompt response admitting violations and stating that procedures had been put in place to prevent future violations.

Complaint History: 949201 – *Letter of Caution*; 200502532 – *\$500 Civil Penalty*

Recommendation: Consent Order assessing \$500 civil penalty and authorization for a formal hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

13. Case No.: L06-FUN-RBS2006034841

Following inspection on August 21, 2006, Respondent received Notice of Violation for:

- Tenn. Code Annotated § 62-5-107(2) (failure to display license and latest inspection report of the crematory they use) and
- FTC violations (price range discrepancies between GPL and CPL, failure to list price for use of staff and services on GPL, failure to list price for alternative containers on CPL, incorrect disclosure language on OBCPL, and failure to list all vaults for sale on the OBCPL).

The inspector noted that Respondent had received a warning for these same violations during an inspection on November 28, 2005.

Respondent provided a prompt response admitting violations and stating that procedures had been put in place to prevent future violations.

Complaint History: 949201 – *Letter of Caution*; 200502532 – *\$500 Civil Penalty*

Recommendation: Consent Order assessing \$500 civil penalty and authorization for a formal hearing.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Mr. Buckner

During discussion before the vote was taken, it was determined to raise penalty to \$750. Mr. Buckner withdrew his second to the original motion and Mr. David Murphy withdrew his original motion.

A new motion was made by Mr. Buckner to issue a Consent Order assessing \$750 civil penalty and authorization for a formal hearing.

Seconded by Mr. David Murphy

Adopted by voice vote with one (1) nay vote by Ms. Helling

14. Case No.: L06-FUN-RBS2006034871

Following inspection, Respondent received Notice of Violation for:

- Tenn. Code Annotated § 62-5-107(c)(2) (copy of current license of crematory used not present) and
- FTC violations (SFG&SS not given to purchaser following arrangement conference, conflicting figures shown on GPL, and incorrect disclosure language)

Respondent provided a prompt response including proof of compliance with all violations.

Complaint History: 200420301 – Letter of Caution; 200502478 – \$750 Civil Penalty

Recommendation: Consent Order assessing \$500 civil penalty and authorization for a formal hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

15. Case No.: L06-FUN-RBS-2006035941

Alleges violation of Rule 0660-4-.03(1)(b) for failure to notify Board within ten (10) days of change in identity of licensed FD. This matter came to the attention of the Board after the respondent's registered Funeral Director (manager) requested certification for reciprocal licensing at his new job in Florida. FD in question informed Board that his last day as manager for respondent was August 18, 2006. Respondent had still not advised Board of change in FD as of September 14, 2006.

Respondent admits the FD in question accepted a new job in Florida and that his last day physically present was August 18, 2006. However, respondent's

position is that the FD was still “employed” until his accrued sick leave and vacation time expired on October 1, 2006. Respondent states, “Should a

manager be on vacation or on terminal leave, this should in no way mean they are not employed regardless of where they are located.”

Complaint History: None

Recommendation: Consent Order assessing civil penalty of \$500 and authorization for a formal hearing.

A motion was made by Mr. Steve Murphy to accept Counsel’s recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote with one (1) nay vote by Ms. Helling.

16. Case No.: L06-FUN-RBS-2006034861

Inspection on August 23, 2006 resulted in Notice of Violation for the following:

- Tenn. Code Annotated § 62-5-107(c)(2)(3)(A)(C) – authorization for cremation of deceased lacks address and phone number of crematory
- authorization not signed by funeral director
- no copy of crematory’s license or last inspection results

Respondent has updated forms to ensure future compliance.

Complaint History: 200602750 – Letter of Caution

Recommendation: Consent Order assessing civil penalty of \$500 and authorization for a formal hearing.

A motion was made by Mr. Buckner to accept Counsel’s recommendation.

Seconded by Ms. Vincent

Adopted by voice vote

17. Case No.: L06-FUN-RBS-2006036261

Inspection on September 6, 2006 resulted in Notice of Violation for the following:

Tenn. Code Annotated § 62-5-313(c)

- failure to notify board of change in management
- no licensed funeral director in charge of establishment

Tenn. Code Annotated § 62-5-306(d)

- current license for each funeral director not present for inspection

Tenn. Code Annotated § 62-5-308(d)

- current license for each embalmer not present for inspection

Tenn. Code Annotated § 62-5-107(2)

- current license of crematory not present
- last inspection report from crematory not present

Respondent apologizes for its oversight and submitted proof of compliance on all violations.

Complaint History: None

Recommendation: Consent Order assessing civil penalty of \$500 and authorization for a formal hearing.

A motion was made by Ms. Vincent to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

18. Case No.: L06-FUN-RBS-2006032211

Family of the deceased filed a complaint against Respondent funeral home alleging that they had failed to properly embalm the deceased which resulted in a foul odor and unsightly appearance. Complainant further alleges that the funeral home was unprofessional by having them wait for six hours to see the body and by speaking with them in a rude and abusive manner.

Respondent states that the embalming procedure was completed the same day the body was received by the funeral home from the Medical Examiner's office on August 1, 2006. The family requested that the funeral not take place until August 8, 2006. The condition of the body was checked daily and found to be in good condition. On August 7, 2006, the body began to exhibit signs of deterioration and the staff began the standard procedure to cosmetize the body for viewing. The respondent has provided the Embalming Statistical Case Report, including Chemical Injection Details. The respondent has also provided local climatological data which shows that the temperature reached into the 90's during most of the relevant days.

This file was reviewed by a technical advisor in order to assist the legal staff in its evaluation of the complaint and it was determined that the embalming procedures used in this case were acceptable.

Complaint History: 948132 – Dismissed; 949055 – Closed; 200005227-Dismissed; 200312045 – Letter of Warning; 200420303 – Dismissed; 200503948 – Dismissed.

Recommendation: Close with Letter of Warning (unprofessional conduct in communicating with family)

Mr. Cook recused himself.

A motion was made by Ms. Hellum to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

19. Case No.: L06-FUN-RBS-2006036251

Inspection on September 6, 2006 resulted in Notice of Violation for the following:

Rule 660-6-.02

- high end range on CPL does not match GPL
- low end range on OBCPL does not match GPL
- direct cremation ranges don't match
- alternate containers not listed on CPL

Tenn. Code Annotated § 62-5-107(2)

- current license of crematory not present
- last inspection report from crematory not present

Respondent has provided updated price lists and documentation from crematory.

Complaint History: None

Recommendation: Consent Order assessing civil penalty of \$500 and authorization for a formal hearing.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Mr. Buckner

Adopted by voice vote

20. Case No.: L06-FUN-RBS-2006037651

Inspection on September 25, 2006 resulted in Notice of Violation for the following:

Rule 660-6-.02

- incomplete disclosure language on GPL
- incomplete disclosure on OBCPL
- casket model missing on CPL
- OBCPL doesn't provide description of merchandise
- Goods and Services contract doesn't indicate services selected

- Goods and Services contract doesn't provide reason for embalming

Respondent has provided updated price lists and corrected procedures so that services selected appear on future contracts.

Complaint History: 200211649 – Closed; 200503614 – Dismissed.

Recommendation: Consent Order assessing civil penalty of \$250 and authorization for a formal hearing.

A motion made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Ms. Vincent

Adopted by voice vote

21. Case No.: L06-FUN-RBS-2006037991

Inspection on September 6, 2006 resulted in Notice of Violation for the following:

Tenn. Code Annotated § 62-5-509(d)(1)(B)

- release form utilized by the crematory lacks time of release on all files presented

Tenn. Code Annotated § 62-5-509(d)(2)

- release not being utilized for medical research cremations

Respondent has updated its release forms to comply with statute.

Complaint History: None

Recommendation: Consent Order assessing civil penalty of \$500 and authorization for a formal hearing.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Mr. Buckner

Adopted by voice vote

22. Case No.: L06-FUN-RBS-2006038021

Inspection on September 19, 2006 resulted in Notice of Violation for the following:

Rule 660-6-.02

- sample of SFG&SS shows charge for basic services of FH and staff that is inconsistent with the GPL

Tenn. Code Annotated § 62-5-107(2)

- no address or telephone number for crematory
- authorization for cremation not signed by funeral director

Respondent has taken necessary measures to ensure compliance.

Complaint History: *None*

Recommendation: **Consent Order assessing civil penalty of \$500 and authorization for a formal hearing.**

Mr. Buckner recused himself.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

23. Case No.: L06-FUN-RBS-2006038171

Complaint filed by sister of deceased claiming that the body was not properly embalmed. Specifically, unusual discoloration of skin, hollow space in chest, uneven texture of skin, hands had begun to open. Complainant feels that the funeral home failed to provide satisfactory answers to these concerns.

Respondent states that there was some difficulty dealing with complainant because she wanted control of the funeral but was not the next of kin. Respondent further states that he has received numerous compliments from friends and family of the deceased regarding the funeral and preparation of the body. Respondent provided one such thank-you card with his response.

Complaint History: *200600091 – Dismissed*

Recommendation: **Dismiss**

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

24. Case No.: L06-FUN-RBS-2006038731 (Related to No. 25)

Funeral establishment hired unlicensed funeral director on July 11, 2006 and had business cards printed that listed the individual's name with the words "Funeral Director" directly underneath.

Respondent hired unlicensed individual believing that he would soon obtain a FD license. Respondent apologizes for any “harm this has caused”.

Complaint History: 200503591 – Dismissed

Recommendation: Consent Order assessing civil penalty of \$500 and authorization for a formal hearing.

A motion was made by Mr. David Murphy to accept Counsel’s recommendation.

Seconded by Mr. Buckner

Adopted by voice vote

25. Case No.: L06-FUN-RBS-2006038721 (Related to No. 24)

Funeral establishment hired unlicensed funeral director on July 11, 2006 and had business cards printed that listed the individual’s name with the words “Funeral Director” directly underneath. Complaint alleges he has disseminated the cards.

Respondent states he is waiting to take the test and has not been practicing as a funeral director.

Complaint History: None

Recommendation: Letter of Warning

A motion was made by Mr. David Murphy to accept Counsel’s recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

26. Case No.: L06-FUN-RBS-2006038931

Complainant funeral home met with family of deceased and entered into a contract for funeral services. The family later spoke with Respondent funeral home who informed the family that they had been lied to by complainant, and that they did not have to pay the complainant because the contract was the result of duress.

Respondent states that he did not call the complainant a “liar” and that Respondent merely advised that “any paperwork signed would have been signed under duress and that it would be reasonable to not have to pay for those services.”

Complaint History: None

Recommendation: Letter of Warning to Respondent that it should refrain from commenting to families about the legality of contracts with competitors as this may constitute unprofessional conduct.

A motion was made by Ms. Vincent to accept Counsel's recommendation.

Seconded by Ms. Hellum

Adopted by voice vote

27. Case No.: L06-FUN-RBS-2006039641 (Related to No. 28)

Complaint filed after Respondent, not a licensed funeral director, was observed conducting a funeral with no licensed director present.

Respondent states that complainant must have "just missed" the licensed funeral director who arrived a few minutes late. Respondent provided a copy of a check written to the licensed funeral director for his services at the funeral.

Complaint History: None

Recommendation: Consent Order assessing civil penalty of \$500 and authorization for a formal hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Ms. Vincent

Adopted by voice vote

28. Case No.: L06-FUN-RBS-2006039651 (Related to No. 27)

Complaint filed after Respondent, not a licensed funeral director, was observed conducting a funeral with no licensed director present.

Respondent states that this was an isolated incident and that the licensed funeral director was late arriving due to a heavy workload.

Complaint History: None

Recommendation: Letter of Warning

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Adopted by voice vote

29. Case No.: L06-FUN-RBS-2006038651

Following inspection on October 3, 2006, Respondent received Notice of Violation for the following:

Rule 0660-6-.02

- required itemized prices missing on GPL
- high end range inconsistent with CPL
- low end range on OBCPL inconsistent with GPL
- Five caskets being offered for sale not on CPL

Respondent has provided the board with updated price lists and stated they were in the process of updating them at the time of inspection.

Complaint History: None

Recommendation: Consent Order assessing civil penalty of \$250 and authorization for a formal hearing.

A motion was made by Mr. Foster to accept Counsel's recommendation.

Seconded by Ms. Vincent

Adopted by voice vote

30. Case No.: L06-FUN-RBS-2006039441 (Related to No. 31)

Respondent is an out-of-state establishment that was observed conducting a funeral in Tennessee with no Tennessee licensed funeral director present.

Respondent admits violation, apologizes, and states it will not happen again.

Complaint History: None

Recommendation: Consent Order assessing civil penalty of \$500 and authorization for a formal hearing.

A motion was made by Mr. Buckner to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

31. Case No.: L06-FUN-RBS-2006039671 (Related to No. 30)

Respondent is an out-of-state licensed funeral director who was observed conducting a funeral in Tennessee.

Respondent states that they purchased the vault from a Tennessee establishment and believed that a Tennessee licensed funeral director would be present at the funeral. Respondent apologizes for violation of any rules.

Complaint History: None

Recommendation: Letter of Warning

A motion was made by Ms. Hellum to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

ADMINISTRATIVE MATTERS:
ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR

Fiscal Year Report of Revenue and Expenses

The Board of Funeral Directors and Embalmers was the second most profitable of all of the regulatory boards, behind Contractors, for the fiscal year of 2006, having \$496,651.00 in net income. The Board's accumulative deficit has been reduced from \$1,051,764.00 on June 30, 2003 to \$6,547.00 on June 30, 2006.

Online Renewal of Licenses

The online renewal application for the Funeral Director, Embalmer and Establishment licenses can be accessed at www.tnanytime.org/cirens.

Approval of Routine Applications by Executive Director

- . Individuals –
 - Funeral Director
 - Embalmer
- . Establishments –
 - New Business
 - Change of Name
 - Change of Location
 - Change of Ownership

The Executive Director requested permission from the Board to approve routine applications for licensing from individual funeral directors and embalmers and for establishments applying as a new business, a change of name, change of location or change of ownership.

Staff Attorney Chick informed the Board there are no laws or rules that require the applicants to personally appear before the Board for licensing with the exception for a change of ownership of an establishment.

Executive Director Gribble amended his request to include all routine licensing with the exception of a change of ownership of an establishment.

Sara Luna, a representative of the Assistant Commissioner of Commerce and Insurance, addressed the Board. Ms. Luna stated the majority of the Regulatory Boards issue their licenses without the necessity of an individual or a representative to appear before the Board. This procedure has the support and approval of the Commissioner.

A motion was made by Mr. David Murphy and seconded by Ms. Vincent to approve Executive Director Gribble's request. During discussion, Mr. Steve Murphy made a motion to table the request until the next board meeting in December in order for the board members to "think about" the request. Mr. Buckner seconded the motion to table the request.

According to *Roberts Rules of Order*, a motion to table takes precedence over any motion on the floor. President Danny Cook called for a roll call vote on the motion to table. The recorded vote:

| | |
|---------------|-----|
| Ralph Buckner | Yes |
| Danny Cook | Yes |
| Robert Foster | Yes |
| Wendy Helling | Yes |
| David Murphy | No |
| Steve Murphy | Yes |
| Nancy Vincent | No |

The motion to table the request until the December meeting was approved by a 5-2 vote.

Closed Establishment

There has been one establishment reported as closing since the last meeting.

- Gilmore Chapel of Manchester Funeral Home, 1600 McArthur Drive, Manchester, TN

Disciplinary Action Report

The Board has previously authorized these consent orders and civil penalties. The Consent Orders have been signed and the civil penalties paid by the respondents. The Executive Director requests the Board's acceptance of the following consent orders.

Complaint No. 2006030171

Violation: FTC price violations

Action: \$250 Civil Penalty

Complaint No. 2006031911

Violation: FTC price violations, cremation disclosure violations and cremation form not signed by funeral director

Action: \$500 Civil Penalty

Complaint No. 2006017731

Violation: FTC price violations, licenses of funeral directors and embalmer not available for inspection and failure to maintain copy of crematory license and latest inspection

Action: \$500 Civil Penalty

Complaint No. 2006024901

Violation: Cremation disclosure violations and cremation form signed by apprentice instead of funeral director

Action: \$250 Civil Penalty

Complaint No. 2006002221

Violation: FTC price violations and operating by an establishment name different than the one approved by the Board

Action: \$500 Civil Penalty

Complaint No. 2006030161

Violation: FTC price violations

Action: \$250 Civil Penalty

Complaint No. 2006032471

Violation: FTC price violations

Action: \$250 Civil Penalty

A motion was made by Mr. Buckner to approve the Executive Director's request for the Board's acceptance of the above consent orders.

Seconded by Mr. David Murphy

Adopted by voice vote

Open Complaint Report

As of November 9, 2006, there were 89 open complaints.

ADJOURN

A motion was made by Mr. David Murphy to adjourn.

Seconded by Ms. Vincent

Adopted by voice vote

There being no further business, the meeting was adjourned at 11:47 A.M.

Respectfully submitted,

Robert B. Gribble

Robert B. Gribble, CFSP
Executive Director